

Appln. No. 09/735,919

Attorney Docket No. T2147-906756

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

By this Amendment, Claim 15 has been amended to specify that each indicator agent manages a subscriber list on which an identification of at least one other indicator agent may be written. Additionally, Claim 26 has been amended to specify that the device is embedded in a computer, thus overcoming the rejection under 35 U.S.C. § 101.

Regarding the art-based rejections in view of Jung and Turek, Applicant respectfully submits the claims are patentably distinguishable therefrom. Specifically, Jung does not teach or suggest creating a configuration agent for *each* of the resources to be monitored. In contrast, Jung recites centralized management through the manager which enables configuration of some tasks (see Fig. 4). Jung does not teach or suggest using a configuration agent for creating indicator agents to evaluate *each* of the indicators. In contrast, Jung's centralized management system enables mobile agents to traverse the network environment.

Furthermore, the software agents 37 in Jung are only available at a central location without any ability to identify other agents. Thus, Jung only teaches one agent for resource monitoring opposed to the claimed configuration agent for each of the resources to be monitored.

Turek fails to overcome the deficiencies as noted above. Specifically, Turek also lacks teaching or suggesting a distributed evaluation of indicators and, as recognized by the Examiner, does not teach or suggest specifying any domain of the computer system in which each indicator should be deployed. In contrast, Turek is directed toward a dispatch mechanism located at a central location.

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In Turek, a centralized manager first receives a network error and then uses an appropriate agent to determine the cause/location of this error (see column 5, lines 42-48).

In that the cited references, taken either alone or in combination, fail to teach or suggest each and every element of the claims, the claims are patentably distinguishable therefrom. An early Notice of Allowance is respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in better form for allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T2147-906756) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

14 Oct '05
Date


Jason H. Vick